

# HOUSE . . . . . No. 4572

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## The Commonwealth of Massachusetts

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By Mr. Murphy of Burlington, for the committee on Ways and Means, on House, No. 4444, reported, in part, a Bill making appropriations for the Fiscal Year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4572). March 22, 2010.

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FOR THE COMMITTEE:

NAME:	DISTRICT/ADDRESS:
Charles Murphy	21st Middlesex

# The Commonwealth of Massachusetts

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In the Year Two Thousand and Ten

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An Act making appropriations for the Fiscal Year 2010 to provide for supplementing certain existing appropriations and for certain other activities and projects.

*Whereas*, The deferred operation of this act would tend to defeat its purposes, which are forthwith to make supplemental appropriations for fiscal year 2010 and to make certain changes in law, each of which is immediately necessary to carry out those appropriations or to accomplish other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1                               To provide for supplementing certain items in the general appropriation  
2 act and other appropriation acts for fiscal year 2010, the sums set forth in section 2 are hereby  
3 appropriated from the General Fund unless specifically designated otherwise in this act or in those  
4 appropriation acts, for the several purposes and subject to the conditions specified in this act or in  
5 those appropriation acts, and subject to the laws regulating the disbursement of public funds for the  
6 fiscal year ending June 30, 2010. These sums shall be in addition to any amounts previously  
7 appropriated and made available for the purposes of those items.

9           SECTION 2.

10                           JUDICIARY

11                               *Committee for Public Counsel Services*

12   0321-1510 .....\$25,000,000

14                           TREASURER AND RECEIVER-GENERAL

15                               *Office of the Treasurer and Receiver-General*

16   0610-0050 .....\$250,000

17   0612-0105 .....\$200,000

19                           OFFICE OF THE STATE COMPTROLLER

20                               *Office of the State Comptroller*

21   1599-3384 .....\$2,500,000

23                           EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

24                               *Department of Veterans' Services*

25   1410-0400 .....\$2,113,000

26                               *Division of Medical Assistance*

27   4000-0600 .....\$107,107,510

28   4000-0700 .....\$92,829,490

29                               *Department of Public Health*

30   4513-1010 .....\$2,000,000

32                           EXECUTIVE OFFICE OF LABOR AND WORKFORCE DEVELOPMENT

33                               *Department of Workforce Development*

34   7003-0701 .....\$9,500,000

SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations, and to meet certain requirements of law, the sums set forth in this section are hereby appropriated from the General Fund unless specifically designated otherwise in this section, for the several purposes and subject to the conditions specified in this section, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2010. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

EXECUTIVE OFFICE FOR ADMINISTRATION AND FINANCE

*Office of the Secretary of Administration and Finance*

1599-1027 For a reserve for reimbursement to certain employees of the commonwealth for certain increases in health care cost-sharing expenditures.....\$6,821,690

1599-4281 For a reserve to meet the fiscal year 2010 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Commonwealth of Massachusetts and the National Association of Government Employees, and to meet the fiscal year 2010 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year

63 2010 amounts that are necessary to meet these costs where the amounts  
64 otherwise available are insufficient for the purpose, in accordance with a  
65 transfer plan which shall be filed in advance with the house and senate  
66 committees on ways and means.....\$25,810

67  
68 1599-4282 For a reserve to meet the fiscal year 2010 costs of salary adjustments and  
69 other economic benefits authorized by the collective bargaining agreement  
70 between the Commonwealth of Massachusetts and the Service Employees  
71 International Union, Local 509, and to meet the fiscal year 2010 costs of  
72 salary adjustments and other economic benefits necessary to provide equal  
73 adjustments and benefits to employees employed in confidential positions  
74 which otherwise would be covered by this agreement; provided, that the  
75 personnel administrator, with the approval of the secretary of administration  
76 and finance, shall determine these adjustments and benefits for the  
77 confidential employees in accordance with the collective bargaining  
78 agreement then in effect which otherwise would cover these positions; and  
79 provided further, that the secretary may transfer from the sum appropriated in  
80 this item to other items of appropriation and allocations thereof for fiscal year  
81 2010 amounts that are necessary to meet these costs where the amounts  
82 otherwise available are insufficient for the purpose, in accordance with a  
83 transfer plan which shall be filed in advance with the house and senate  
84 committees on ways and means.....\$1,912,542

85  
86 1599-4283 For a reserve to meet the fiscal year 2010 costs of salary adjustments and  
87 other economic benefits authorized by the collective bargaining agreement  
88 between the Commonwealth of Massachusetts and the American Association  
89 of Federal, State, County and Municipal Employees, Council 93, and to meet

the fiscal year 2010 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2010 amounts that are necessary to meet these costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means.....\$21,137

1599-4284 For a reserve to meet the fiscal year 2010 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the Commonwealth of Massachusetts and the Massachusetts Organization of State Engineers and Scientists, Unit 9, and to meet the fiscal year 2010 costs of salary adjustments and other economic benefits necessary to provide equal adjustments and benefits to employees employed in confidential positions which otherwise would be covered by this agreement; provided, that the personnel administrator, with the approval of the secretary of administration and finance, shall determine these adjustments and benefits for the confidential employees in accordance with the collective bargaining agreement then in effect which otherwise would cover these positions; and provided further, that the secretary may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year

117 2010 amounts that are necessary to meet these costs where the amounts  
118 otherwise available are insufficient for the purpose, in accordance with a  
119 transfer plan which shall be filed in advance with the house and senate  
120 committees on ways and means.....\$12,788  
121

122 SECTION 3. Section 178Q of chapter 6 of the General Laws, as appearing in the 2008 Official  
123 Edition, is hereby amended by striking out, in lines 23 and 24, the words “by the sex offender  
124 registry board and shall be transmitted to the treasurer for deposit into the General Fund”, and  
125 inserting in place thereof the following words:- and retained by the sex offender registry board.

126 SECTION 4. Section 5 of chapter 23I of the General Laws, as so appearing, is hereby amended  
127 by striking out subsection (d) and inserting in place thereof the following subsection:-

128 (d) There shall be established a life sciences tax incentive program. The center, in consultation  
129 with the department, may annually authorize incentives, including incentives carried forward,  
130 refunded or transferred, pursuant to the following: subsection (m) of section 6 of chapter 62,  
131 subsection (n) of said section 6 of said chapter 62, paragraph 17 of section 30 of chapter 63,  
132 section 31M of said chapter 63, paragraph 6 of subsection (f) of section 38 of said chapter 63, the  
133 fourth paragraph of section 38C of said chapter 63, subsection (j) of section 38M of said chapter  
134 63, section 38U of said chapter 63, section 38V of said chapter 63, section 38W of said chapter  
135 63, the third paragraph of section 42B of said chapter 63, and subsection (xx) of section 6 of  
136 chapter 64H, in a cumulative amount, including the current year cost of incentives allowed in  
137 previous years, that shall not exceed \$25,000,000 annually. The center may, in consultation with  
138 the department, limit any incentive or incentives to a specific dollar amount or time duration, or  
139 in any other manner deemed appropriate by the department; provided, however, that the  
140 department shall only allocate said incentives among commonwealth certified life sciences  
141 companies pursuant to subsection (b) and shall award said tax incentives pursuant to subsection  
142 (c).

143 The center shall provide an estimate to the secretary of administration and finance of the  
144 tax cost of extending benefits to a proposed project before certification, as approved by the  
145 commissioner of revenue, based on reasonable projections of project activities and costs. Tax  
146 incentives shall not be available to any certified life sciences company unless expressly granted  
147 by the secretary of administration and finance in writing.

148 SECTION 5. Clause 32A of subsection (b) of section 1 of chapter 30B of the General Laws, as  
149 appearing in section 41 of chapter 25 of the Acts of 2009, is hereby amended by inserting after  
150 the word “professionals” the following words:- except as provided in section 21.

SECTION 6. Section 21 of said chapter 30B of the General Laws, as appearing in section 45 of chapter 25 of the Acts of 2009, is hereby amended by striking out subsections (b) to (j), inclusive, and inserting in place thereof the following 7 subsections:-

(b) For those agencies that prequalify architectural, engineering and related services, the agency shall require firms engaged in the lawful practice of their profession to submit a statement of qualifications and performance data every 2 years to the agency pursuant to the terms and schedule as determined by the agency. Agencies that prequalify have the option of selecting a firm or firms from their prequalified list of firms based on the agency policies and without further publically advertising the selection.

(c) Whenever a public works project requiring architectural, engineering or related professional services is to be advertised by an agency, the agency shall provide no less than 14 days advance notice published in a professional services bulletin or advertised on the official agency website setting forth the public works project and services to be procured. The professional services bulletin shall be made available to each firm that requests the information. The professional services bulletin shall include a description of each public works project and shall state the time and place for an interested firm to submit a statement of qualifications and, if required by the public notice, a letter of interest and technical proposal. If the agency determines that a sole source selection of a qualified firm is in the best interest of the agency, then the public notice provisions of this subsection shall not apply.

(d) An agency shall evaluate the firms submitting statements of qualifications, taking into account qualifications, letters of interest and technical proposals, and the agency may consider, but shall not be limited to considering, ability of professional personnel, past record and experience, performance data on file, willingness to meet time requirements, location, workload of the firm and any other qualifications based on factors that the agency may determine in writing are applicable. The agency may conduct discussions with, and require presentations by, firms deemed to be the most qualified regarding their qualifications, approach to the public works project and ability to furnish the required services. An agency shall not, prior to selecting a firm for negotiation, seek formal or informal submission of verbal or written estimates of costs or proposals in terms of dollars, hours required, percentage of construction cost or any other measure of compensation.

(e) (1) An agency shall select architects, engineers and related professional firms on the basis of qualifications for the type of professional services required, and on technical proposals, if submitted. An agency may solicit or use pricing policies and proposals or other pricing information to determine consultant compensation only after the agency has selected a firm and initiated negotiations with the selected firm.

(2) The procedures that an agency creates for the screening and selection of firms shall be within the sole discretion of the agency and may be adjusted to accommodate the agency's scope,



188 schedule and budget objectives for a particular public works project.

189 (3) The decision of an agency that has complied with this chapter shall be final and binding.

190 (f) (1) The agency and the selected firm shall discuss and refine the scope of services for the  
191 public works project and shall negotiate conditions including, but not limited to, compensation  
192 level and performance schedule based on scope of services. The compensation level paid shall  
193 be reasonable and fair to the agency as determined solely by the agency. In making such  
194 determination, the agency shall take into account the estimated value of the services to be  
195 rendered and the scope, complexity and professional nature thereof.

196 (2) If the agency and the selected firm are unable for any reason to negotiate a contract at a  
197 compensation level that is reasonable and fair to the agency, the agency shall, in writing,  
198 formally terminate negotiations with the selected firm. The agency shall then negotiate with the  
199 second ranked most qualified firm. The negotiation process shall continue in this manner  
200 through successive ranked firms until an agreement is reached or the agency terminates the  
201 consultant contracting process.

202  
203 (g) This chapter shall not apply to the procurement of architectural, engineering and related  
204 professional services by agencies: (i) when an agency determines in writing that it is in the best  
205 interest of the agency to proceed with the immediate selection of a firm; (ii) in emergencies when  
206 immediate services are necessary to protect the public health and safety; or (iii) when these  
207 services are to be provided as part of a design-build project pursuant to sections 14 through 21,  
208 inclusive, of chapter 149A of the General Laws.

209 (h) Each agency shall evaluate the performance of each firm upon completion of a contract.  
210 That evaluation shall be made available to the firm which may submit a written response.

211 SECTION 7. Section 1 of chapter 32 of the General Laws, as amended by sections 1 to 3 of  
212 chapter 21 of the acts of 2009, is hereby further amended by striking out the definition of  
213 "Commonwealth's pension liability" and inserting in place thereof the following definition:-

214 "Commonwealth's pension liability", the financial obligation of the commonwealth to pay all  
215 retirement benefits pursuant to this chapter for the state employees' retirement system, the  
216 teachers' retirement system, for teachers employed by the city of Boston and for the  
217 commonwealth's share of the administrative cost of the State-Boston retirement system, and to  
218 reimburse local retirement systems for cost of living adjustments pursuant to section 102 and  
219 including any other pension obligations of a system or of the commonwealth relative to future  
220 pension liabilities which the commonwealth may assume by general or special law on behalf of  
221 any system other than the state employees' retirement system, the teachers' retirement system  
222 and for teachers employed by the city of Boston, and the commonwealth's financial obligations  
223 which are associated with cost-of-living adjustments or other benefits for members of systems

224 other than the state employees' retirement system and the teachers' retirement system who are  
225 not teachers employed by the city of Boston.

226 SECTION 8. The definition of "Commonwealth's Pension Liability Fund" in said section 1 of  
227 said chapter 32, as so appearing, is hereby amended by striking out, in line 134, the words "and  
228 teachers' retirement systems" and inserting in place thereof the following words:- retirement  
229 system, the teachers' retirement system and the State-Boston retirement system on behalf of  
230 teachers who are members of that system.

231 SECTION 9. Said section 1 of said chapter 32, as so appearing, is hereby further amended by  
232 striking out, in lines 533 to 538, inclusive, the words "; provided, that "teacher" shall not be  
233 deemed to include, nor shall sections one to twenty-eight inclusive apply, to any person who is a  
234 teacher in the public schools of the city of Boston, except to such a teacher who on September  
235 first, nineteen hundred and twenty-three, was employed by the city of Boston and was then a  
236 member of the teachers' retirement system".

237 SECTION 10. Section 2 of said chapter 32, as so appearing, is hereby amended by inserting after  
238 the words "system", in line 23, the following words:- , except that a teacher employed by the  
239 school committee of the city of Boston shall be included in the State-Boston retirement system.

240 SECTION 11. Section 20 of said chapter 32, as so appearing, is hereby amended by inserting  
241 after the word "town", in line 17, the following words:- , except the city of Boston,.

242 SECTION 12. Said section 20 of said chapter 32, as so appearing, is hereby further amended by  
243 striking out, in lines 24 to 27, inclusive, the words "or under the State-Boston retirement system,  
244 and the chairman or secretary of the school committee of such city or town, or the chairman or  
245 executive officer of the Boston retirement board," and inserting in place thereof the following  
246 words:- and the chairman or secretary of the school committee of such city or town.

247 SECTION 13. Section 22 of said chapter 32, as so appearing, is hereby amended by inserting  
248 after the first sentence the following sentence:- The State-Boston retirement system shall  
249 establish said funds to credit assets received, acquired or held attributable to non-teacher  
250 members of that system and shall also establish said funds to credit assets received, acquired or  
251 held attributable to teachers who are members of that system.

252 SECTION 14. Said section 22 of said chapter 32, as so appearing, is hereby further amended by  
253 striking out, in lines 789 and 790, the words "and the teachers' retirement system" and inserting  
254 in place thereof the following words:-, the teachers' retirement system and the State-Boston  
255 retirement system.

SECTION 15. Said section 22 of said chapter 32, as so appearing, is hereby further amended by striking out, in lines 790 and 791, the words “and the teachers’ retirement board” and inserting in place thereof the following words:- , the teachers’ retirement board and the State-Boston retirement system for the purpose of funding their teacher retirement benefits.

SECTION 16. Said section 22 of said chapter 32, as so appearing, is hereby further amended by inserting in subparagraph (i) of paragraph (c) of subdivision (7), after the second sentence, the following 3 sentences:- In addition to the foregoing, the State-Boston retirement system shall furnish to the actuary any information that the actuary requires to determine the amount payable on account of the employment of teachers in the city of Boston. The actuary shall determine the amount payable on account of the employment of such teachers, and a separate amount payable as a result of the employment of all other members of the State-Boston retirement system. The actuary shall specify in a written notice to the State-Boston retirement board the specific amounts payable as a result of the employment of teachers in the city of Boston and of all members of the State-Boston retirement system other than teachers.

SECTION 17. Subdivision (8) of said section 22 of said chapter 32, as so appearing, is hereby amended by striking out the last sentence of paragraph (a) and inserting in place thereof the following sentence:- The assets of the state employees’ retirement system, the teachers’ retirement system and assets of the State-Boston retirement system attributable to teachers who are members of that system shall be held in the PRIT Fund.

SECTION 18. Section 23 of said chapter 32, as so appearing, is hereby amended by striking out subdivision (1) and inserting in place thereof the following subdivision:-

(1) (a) The funds of the state employees’ retirement system, the teachers’ retirement system and assets of the State-Boston retirement system attributable to teachers who are members of that system shall be held in the PRIT Fund. The board of each such system shall annually, on or before May first, file in the office of the commissioner, on a form prescribed by the commissioner, a sworn statement of the financial condition of the system as of December thirty-first of the previous year and of all the financial transactions of the system during the previous year. The commissioner may, for cause shown, extend the time for filing any such statement.

(b) Notwithstanding any general or special law to the contrary, assets of the State-Boston retirement system attributable to teachers who are members of the system shall be invested in the PRIT Fund, and for purposes of those assets and the payment of benefits to those teachers and their beneficiaries, the State-Boston retirement system shall be considered a participating system in the PRIT Fund, but the system shall not receive a share of any appropriations made under section 22B and paragraph (b) of subdivision (8) of section 22, and the board of the system shall not be able to revoke this participation.

291 SECTION 19. Section 10 of chapter 35T of the General Laws, as so appearing, is hereby  
292 amended by inserting after the word “revenues”, in line 17, the following words:- or the inflation  
293 index.

294 SECTION 20. Section 8A of chapter 81 of the General Laws is hereby repealed.

295 SECTION 21. Section 189A of chapter 111 of the General Laws, as so appearing, is hereby  
296 amended by inserting after the definition of “Advisory committee” the following definition:-

297 “Child-occupied facility”, a building or portion of a building, constructed before 1978, visited  
298 regularly by the same child, under 6 years of age, on at least 2 different days within a week if  
299 each day’s visit lasts at least 3 hours, the combined weekly visits last at least 6 hours and the  
300 combined annual visits last at least 60 hours. Child-occupied facilities may include, but are not  
301 limited to, day care centers, preschools and kindergarten classrooms. Child-occupied facilities  
302 may be located in residential premises or in public or commercial buildings.

303 SECTION 22. Section 197B of said chapter 111, as so appearing, is hereby amended by  
304 inserting after the word “premises”, in line 34, the following words:- or child-occupied facility.

305 SECTION 23. Subsection (c) of said section 197B of said chapter 111, as so appearing, is  
306 hereby amended by striking out the last sentence and inserting in place thereof the following  
307 sentence:- The department shall also, in consultation with the director, adopt regulations  
308 specifying licensing requirements and safety procedures to be used by all persons employed in  
309 performing renovations or rehabilitation, in a residential premises or child-occupied facility, in a  
310 manner that disturbs paint, plaster or other materials containing dangerous levels of lead.

311 SECTION 24. Said section 197B of said chapter 111, as so appearing, is hereby amended by  
312 inserting after the word “premises”, in line 108, the following words:- or child-occupied facility.

313 SECTION 25. Section 5 of chapter 161D, as so appearing, is hereby amended by striking out the  
314 word “twelve”, in lines 28 and 31, each time it appears, and inserting in place thereof the  
315 following number:- 15.

316 SECTION 26. Subsection (e) of section 7 of chapter 372 of the acts of 1984 is hereby amended  
317 by inserting after the word “commonwealth”, in the first sentence, the following words:- ; and,  
318 provided, further, that all employees deemed eligible by the board of directors of the authority  
319 shall have access to dental and vision insurance coverage through the group insurance  
320 commission pursuant to section 17 of said chapter 32A to the same extent as if they were  
321 employees of the commonwealth.

322 SECTION 27. Section 25 of chapter 175 of the acts of 1998 is hereby amended by striking out  
323 the figure “2010”, as appearing in section 78 of chapter 123 of the acts of 2006, and inserting in  
324 place thereof the following figure:- 2012.

325 SECTION 28. The first sentence of section 2 of chapter 441 of the acts of 2002 is hereby  
326 amended by striking out the words “for a term not to exceed 30 years” and inserting in place  
327 thereof the following words:- , or its successors and assigns, for a term, including any extensions,  
328 not to exceed 60 years.

329 SECTION 29. Said chapter 441, as so appearing, is hereby further amended by adding the  
330 following section:-

331 Section 7. Notwithstanding any general or special law to the contrary, the commissioner of  
332 capital asset management and maintenance, in consultation with the adjutant general of the  
333 military division, may grant, or may join with Massachusetts Veterans, Inc. in granting, an  
334 affordable housing restriction on the property described in section 2 to the community economic  
335 development assistance corporation, the Massachusetts housing partnership fund board, and the  
336 commonwealth acting by and through the department of housing and community development  
337 pursuant to chapter 121D of the General Laws, by its administrator the Massachusetts housing  
338 finance agency, and to their successors and assigns. This affordable housing restriction shall be  
339 on terms and conditions that the commissioner, in consultation with the adjutant general,  
340 determines.

341 SECTION 30. Sections 14 and 52 of chapter 130 of the acts of 2008 are hereby repealed.

342 SECTION 31. Item 3000-4050 of section 2 of chapter 27 of the acts of 2009 is hereby amended  
343 by striking out the words “30 days before the transfer; and provided further, that not more than 3  
344 per cent of any item may be transferred in fiscal year 2010” and inserting in place thereof the  
345 following words:- 15 days before the transfer; and, provided, further, that not more than 10 per  
346 cent of any item may be transferred in fiscal year 2010.

347 SECTION 32. Item 3000-4060 of said section 2 of said chapter 27 is hereby amended by  
348 striking out the words “30 days before the transfer; provided further, that not more than 3 per  
349 cent of any item may be transferred in fiscal year 2010” and inserting in place thereof the  
350 following words:- 15 days before the transfer; and, provided, further, that not more than 10 per  
351 cent of any item may be transferred in fiscal year 2010.

352 SECTION 33. Item 8100-0006 of said section 2 of said chapter 27 is hereby amended by  
353 striking out the figure “\$19,000,000”, each time it appears, and inserting in place thereof the  
354 following figure:- \$27,500,000.

SECTION 34. Item 8900-0010 of section 2 of said chapter 27 is hereby amended by inserting after the word “services” the following words:- ; provided, that the commissioner of correction or designee shall determine the cost of manufacturing motor vehicle registration plates and certify to the comptroller the amounts to be transferred from the Commonwealth Transportation Fund to the General Fund.

SECTION 35. Item 8100-0002 of section 2B of said chapter 27 is hereby amended by striking out the figure “\$6,481,785” and inserting in place thereof the following figure:- \$20,000,000.

SECTION 36. Chapter 167 of the acts of 2009 is hereby amended by inserting after section 15 the following new sections:-

SECTION 16. Notwithstanding section 2 of chapter 128C of the General Laws or any other general or special law or rule or regulation to the contrary, the greyhound meeting licensee located in Bristol county and the greyhound meeting licensee located in Suffolk county shall pay all premiums received pursuant to said section 2 of said chapter 128C to the Racing Stabilization Fund established in section 20.

SECTION 17. Notwithstanding chapter 128C of the General Laws or any other general or special law or rule or regulation to the contrary, simulcast revenues generated by the greyhound meeting licensee located in Bristol county and the greyhound meeting licensee located in Suffolk county and otherwise dedicated to purse accounts at the licensees or to be distributed to breeders’ associations at guest dog tracks shall be dedicated to the Racing Stabilization Fund established in section 20.

SECTION 18. Notwithstanding chapters 128A and 128C of the General Laws or any other general or special law or rule or regulation to the contrary, amounts from unclaimed winnings and breaks generated by the greyhound meeting licensee located in Bristol county and the greyhound meeting licensee located in Suffolk county shall be dedicated to the Racing Stabilization Fund established in section 20.

SECTION 37. Said chapter 167 of the acts of 2009 is hereby further amended by inserting after section 19 the following new sections:-

SECTION 20. Notwithstanding any general or special law or rule or regulation to the contrary, there shall be a Racing Stabilization Fund that shall be administered by the undersecretary for consumer affairs and business regulation of the executive office of housing and economic development, in this section called the undersecretary. The fund shall consist of all revenues dedicated pursuant to this act. In fiscal year 2010, the secretary of administration and finance shall transfer funds totaling not less than \$300,000 to the department of public health for a compulsive gamblers’ treatment program. Not more than \$300,000 may be expended to assist

efforts to secure alternative employment and retaining opportunities for displaced workers impacted by the passage of chapter 388 of the acts of 2008. The state racing commission, or a successor agency, shall report to the undersecretary, the executive office for administration and finance and the house and senate committees on ways and means not later than the last day of each month, the projected program revenue, program expenses and operating costs associated with overseeing simulcasting through July 31, 2010. In the event of a deficit, the secretary of administration and finance may transfer from the Fund funds not to exceed \$100,000 for the operating costs of the commission. Any balance in the fund at the end of the fiscal year shall not revert to the General Fund; provided, however, that the undersecretary shall distribute to owners of greyhound dogs who have raced in calendar year 2009 for the humane care, maintenance and adoption of those greyhound dogs, a sum equal to 1 per cent of the total amount wagered at each racing meeting licensee within the commonwealth acting as a guest track and simulcasting a live greyhound race from a host track from outside the commonwealth; provided, however, that before any such amount is distributed, the undersecretary shall develop a method and criteria by which to distribute such funds in an equitable manner among dog owners. Any balance in the fund at the end of the fiscal year shall not revert to the General Fund; provided, however, that the secretary shall distribute to kennel owners of greyhound dogs who have raced in calendar year 2009 for the humane care, maintenance and adoption of those greyhound dogs, a sum equal to 1.5 per cent of the total amount wagered at each racing meeting licensee within the commonwealth acting as a guest track and simulcasting a live greyhound race from a host track from outside commonwealth; provided, further, that before any amount is distributed, the secretary shall develop a method and criteria by which to distribute such funds in an equitable manner amongst kennel owners; and, provided, further, the secretary shall begin payments to kennel owners in January 2010. Such payments shall be paid on a bi-weekly basis beginning January 4, 2010.

SECTION 21. Notwithstanding section 12A of chapter 494 of the acts of 1978 or any other general or special law or rule or regulation to the contrary, on January 1, 2010, the comptroller shall transfer all monies deposited in the Greyhound Capital Improvements Trust Fund and the Greyhound Promotional Trust Fund, each established under said section 12A of said chapter 494, to the Racing Stabilization Fund established in section 20. After January 1, 2010, the comptroller shall transfer any revenues deposited into the Greyhound Capital Improvements Trust Fund and the Greyhound Promotional Trust Fund into the Racing Stabilization Fund within 10 days after receipt of those revenues.

SECTION 38. Section 22 of said chapter 167 of the acts of 2009 is hereby further amended by adding the following sentence:-

The greyhound meeting licensee located in Bristol county and the greyhound meeting licensee located in Suffolk county shall also prepare a report of all funds received and disbursed for calendar years 2008 and 2009. Said report shall also be filed with the state racing commission,

or a successor agency, no later than March 31, 2010, who shall forward all such reports to the house and senate committees on ways and means, the joint committee on economic development and emerging technologies and the joint committee on labor and workforce development.

SECTION 39. Said chapter 167 of the acts of 2009 is hereby further amended by inserting after section 22 the following new sections:-

SECTION 23. Notwithstanding any general or special law, rule or regulation to the contrary, monies in the Racing Stabilization Fund established in section 20 may be used to assist efforts to secure alternative employment and retraining opportunities for displaced workers impacted by the passage of chapter 388 of the acts of 2008 including, but not limited to, coordinating the delivery of available state and federal resources and services; provided, however, that such funds from the fund shall only be expended after all federal funds from the Workforce Investment Act and the American Reinvestment and Recovery Act have been exhausted provided further, that state funds shall be distributed in accordance with section 20; provided further, that the secretary of labor and workforce development shall develop a plan to implement this section and submit a copy of the plan to the house and senate committees on ways and means, the joint committee on economic development and emerging technologies aid the joint committee on labor and workforce development not later than December 15, 2009.

SECTION 23A. Sections 15 through 18, inclusive, of this act shall take effect January 1, 2010.

SECTION 40. Notwithstanding any general or special law to the contrary, the commissioner of agricultural resources may award funds in the Greyhound Adoption Trust Fund, established by section 65 of chapter 10 of the General Laws, not obligated as of December 31, 2009, to eligible adoption and rescue organizations within the commonwealth for the care and adoption of retired greyhound track dogs that have schooled or raced at a greyhound racetrack in the commonwealth.

SECTION 41. During fiscal year 2010, appropriations or transfers may be made from the Commonwealth Transportation Fund, established in section 2ZZZ of chapter 29 of the General Laws, in anticipation of revenue.

SECTION 42. Notwithstanding any general or special law to the contrary, in determining the amount of assets of the State-Boston retirement system to be transferred to the Pension Reserves Investment Trust Fund under this section, the initial percentage of assets attributable to teachers who are members of that system shall be that which is set forth in the actuarial valuation of the State-Boston retirement system as of January 1, 2008 and approved by the actuary. This percentage shall be applied to the total assets of the system on a market value basis, and the amount attributable to teachers shall be calculated as of the end of the month preceding the date



of the initial transfer of assets. If all assets attributable to teachers who are members of this system, as determined above, are not transferred in the initial transfer, the remaining amount of assets shall be determined by subtracting from the total percentage of assets to be transferred set forth in the actuarial valuation the percentage of assets previously transferred and applying that percentage to the market value of the assets of the system as of the end of the month preceding the date of the subsequent transfer. Any remaining amounts to be transferred shall be determined in the same manner until the percentage is zero. The State-Boston retirement system shall report to the actuary, and the actuary shall approve the calculation made under this section at the time of each transfer. Transfer of 90 per cent of the assets attributable to teachers under this section shall be completed within 24 months after this act takes effect. Transfer of all assets attributable to teachers under this subsection shall be completed within 48 months after this section takes effect unless the secretary of administration and finance authorizes a later date for the completion of the asset transfer.

SECTION 43. Sections 4 and 30 shall take effect as of January 1, 2009.

SECTION 44. Sections 7 to 10, inclusive, sections 13 to 18, inclusive, and section 42 of this act shall take effect upon its passage. Sections 11 and 12 shall take effect on July 1, 2010, and the final reimbursement by the commonwealth under paragraph (c) of subdivision (2) of section 20 of chapter 32 of the General Laws shall be in accordance with that paragraph in all respects except that the payment shall be made directly to the State-Boston retirement system and applied in accordance with the most recent funding schedule approved by the state actuary under section 22 of said chapter 32. The funds for the final reimbursement under paragraph (c) of subdivision (2) of section 20 of said chapter 32 shall be paid from monies transferred from the General Fund by the comptroller to the teachers' retirement system to meet the system's fiscal year 2010 pension obligation in accordance with subdivision (1) of section 22C of said chapter 32. This payment shall be a reimbursement for fiscal year 2009 city of Boston teacher pension benefits paid by the State-Boston retirement system.